

WARRANT
TOWN OF SEEKONK
FALL TOWN MEETING
NOVEMBER 13, 2012

BRISTOL, SS.

In the name of the Commonwealth of Massachusetts, you are hereby requested to notify the inhabitants of the Town who are qualified to vote in Town affairs, to meet at Seekonk Public High School, Arcade Avenue, Seekonk, Massachusetts on:

Tuesday, November 13, 2012 at 7:00pm

To vote on the following articles. The meeting was called to order by the Town Clerk at 7:08PM with a quorum of 130 registered voters and the meeting was turned over to the Town Moderator.

A motion was made to permit the following non residents to address the meeting:

Peter Fuller-Library Director, Theodora Gabriel –Town Assessor, Bruce Alexander-Director of Finance, Bernadette Huck-Director Human Services, Mary McNeil, Building Commissioner, Seth Bai-Veteran's Agent, Beth Hallal-Health Agent, Christine DeFontes-Treasurer/Collector, John Hansen-Town Planner, Robert Lamoureux-DPW supt., Arlene Bosco-Interim School Supt., Bernadette DeBlander-Conservation Agent, David Dyson-Seekonk Police Union, Linda Lyons-Dispatch union, David Miller-DPW Union, Joyce Frank-Town Counsel, Susan Doe-Int. Spec. Ed., Marcia McGovern-H.S. Principal, William Whalen-Middle School Principal, Jim Marshall, Herbert George, David Bray-Caputo & Wick, Charles Tapalian, Bart Lush-Martin School Principal.

Action on the motion: Motion passes with a unanimous vote.

Article 1:

A motion was made that the Town vote to receive the reports of Town Officers, or Committees, and to place them on file with the Town Clerk.

Reports were read by the Finance Committee, The Municipal Capital Improvement Committee, and the Community Preservation Committee.

Action on the motion: Motion to accept the reports passes with 129 approving and 1 disapproving.

Article 2:

A motion was made that the Town appropriate from Free Cash the sum of \$550,000 for the demolition and reconstruction of the Richard Banna Memorial Fire Station.

Action on the motion: Motion fails with 56 approving and 77 disapproving.

Article 3:

A motion was made that the Town appropriate from Free Cash the sum of \$128,115, \$33,539 to be allocated to pay FY 2011 clothing allowance and FY 2012 retroactive payroll for funding of the collective bargaining agreement between the Town and the Massachusetts Coalition of Police, Local 215, as set forth in Article 3 and that line 41 of the FY 2013 Town Budget as presented and approved at the June 11, 2012 Town meeting be increased by \$94,576 to \$2,767,479.

Action on the motion: Motion passes with 129 approving and 1 disapproving.

Article 4:

A motion was made that the Town appropriate from Free Cash the sum of \$97,000, \$23,000 to be allocated to pay FY 2012 retroactive payroll for funding of the collective bargaining agreement between the Town and the International Association of Firefighters, Local 1931, as set forth in Article 4 and that line 45 of the FY 2013 Town Budget as presented and approved at the June 11, 2012 Town meeting be increased by \$74,000 to \$2,035,420.

Action on the motion: Motion passes with a unanimous vote.

Article 5:

A motion was made that the Town appropriate from Free Cash the sum of \$18,978, \$4,308 to be allocated to pay FY 2012 retroactive payroll for the funding of the collective bargaining agreement between the Town and the American Federation of State, County and Municipal Employees, Local 1701, as set forth in Article 5, and that line 43 of the FY 2013 Town Budget as presented and approved at the June 11, 2012 Town meeting be increased by \$12,111 to \$399,175, and line 41 of the FY 2013 Town Budget as presented and approved at the June 11, 2012 Town meeting be increased by \$2,559 to \$2,770,038.

Action on the motion: Motion passes with a unanimous vote.

Article 6: (motion was amended on the floor to read as follows:)

A motion was made that the Town appropriate the sum of \$51,158, \$11,850 to come from Free Cash to be allocated to pay FY 2012 retroactive payroll and \$39,308 from

Taxation and that the FY 2013 Town Budget as presented and approved at the June 11, 2012 Town meeting be amended as follows:

<i>Line 15 Finance Payroll</i>	<i>Increase \$2,088</i>	<i>to \$122,761</i>
<i>Line 17 Assessor Payroll</i>	<i>Increase \$5,834</i>	<i>to \$200,409</i>
<i>Line 22 Treasurer Payroll</i>	<i>Increase \$4,005</i>	<i>to \$137,668</i>
<i>Line 20 Collector Payroll</i>	<i>Increase \$3,484</i>	<i>to \$113,214</i>
<i>Line 32 Planning Payroll</i>	<i>Increase \$1,809</i>	<i>to \$75,745</i>
<i>Line 30 Zoning Payroll</i>	<i>Increase \$874</i>	<i>to \$31,898</i>
<i>Line 45 Fire Payroll</i>	<i>Increase \$1,154</i>	<i>to \$2,036.574</i>
<i>Line 48 Building Payroll</i>	<i>Increase \$3,184</i>	<i>to \$125,514</i>
<i>Line 55 Animal Control Payroll</i>	<i>Increase \$2201</i>	<i>to \$118,967</i>
<i>Line 72 Conservation Payroll</i>	<i>Increase \$2129</i>	<i>to \$40,558</i>
<i>Line 75 Brd of Health Payroll</i>	<i>Increase \$3,091</i>	<i>to \$133,714</i>
<i>Line 77 Human Svcs Payroll</i>	<i>Increase \$6,880</i>	<i>to \$186,042</i>
<i>Line 79 Veterans Payroll</i>	<i>Increase \$2,575</i>	<i>to \$39,666</i>

Action on the motion: Motion passes with a unanimous vote.

Article 7:

A motion was made that the Town appropriate the sum of \$27,462, \$6,222 for the funding of the collective bargaining agreement with the American Federation of State, County, and Municipal Employees Council 93 to come from Free Cash to be allocated to pay FY 2012 retroactive payroll, \$18,286 to come from Free Cash and \$2,954 from Sanitation Enterprise Free Cash FY 2013 Town Budget as presented and approved at the June 11, 2012 Town meeting be amended as follows:

<i>Line 34 Bldg Maintenance Payroll</i>	<i>Increase \$1,269</i>	<i>to \$55,766</i>
<i>Line 63 Construction/Maint. Payroll</i>	<i>Increase \$17,017</i>	<i>to \$456,666</i>
<i>Line 114 Landfill Payroll</i>	<i>Increase \$2,954</i>	<i>to \$91,972</i>

Action on the motion: Motion passes with a unanimous vote.

Article 8:

A motion was made that the Town appropriate from Free Cash for the Massachusetts Library Staff Association, AFT-MA, AFT, AFL-CIO, the sum of \$21,292, \$4,210 to be allocated to pay FY 2012 retroactive payroll, and line 84 of the FY 2013 Town Budget as presented and approved at the June 11, 2012 Town meeting be increased by \$17,082 to \$628,539.

Action on the motion: Motion passes with a unanimous vote.

Article 9

A motion was made that the Town vote to amend Article 4 of the Town Meeting of June 11, 2012, to fix the salary and compensation of the following elected officials of the Town as provided by MGL c. 41 s. 108 for the fiscal year commencing July 1, 2012 as follows:

Town Clerk	\$61,313
------------	----------

And to appropriate the sum of \$601 from free cash and amend line 26 of the FY 2013 Budget adopted at the Town Meeting of June 11, 2012 to \$61,313.

Action on the motion: Motion passes with 129 approving and 1 abstention.

Article 10:

A motion was made that the Town appropriate from Free Cash the sum of \$10,000 for the construction of a Veterans Memorial Garden at 100 Peck Street.

Action on the motion: Motion passes with 129 approving and 1 disapproving.

Article 11:

A motion was made that the Town appropriate from Sanitation Free Cash the sum of \$32,400 for the first year of a 5 year lease/purchase of a front end loader to be utilized in the operation of the Sanitation Enterprise Fund.

Action on the motion: Motion passes with 127 approving and 3 disapproving.

Article 12:

A motion was made that the Town appropriate from Free Cash the sum of \$35,000 for the purchase four wheel drive pickup truck for the fire department and to allow the fire chief to dispose of the 1977 truck in a manner that is in best interest of the town.

Action on the motion: Motion passes with 124 approving and 6 disapproving.

Article 13:

A motion was made to indefinitely postpone article 13.

Action on the motion to postpone: Motion passes with a unanimous vote.

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$25,000 for purchase and installation of carpet in Town Hall, or to take any other action thereto.

Submitted by the Board of Selectmen

Motion: *Moved that the Town appropriate from Free Cash the sum of \$25,000 for the purchase and installation of carpeting in Town Hall.*

Article 14:

A motion was made that the Town appropriate from Free Cash the sum of \$80,000 to establish and fund a Special Education Stabilization Fund.

Action on the motion: Motion passes well in excess of the 2/3 majority needed.

Article 15:

A motion was made that the Town transfer the sum of \$350,000 from free cash to the Stabilization Fund.

Action on the motion: Motion passes with 126 approving and 4 disapproving.

Article 16:

A motion was made to amend article 16 to read \$500,000 transfer. Action on the motion to amend fails by a majority vote.

A motion was made that the Town transfer the sum of \$250,000. from free cash to the Municipal Capital Stabilization Fund.

Action on the motion: Motion passes with 127 approving and 3 disapproving.

Article 17:

A motion was made that the Town vote to transfer from Free Cash, the sum of \$608.36 for the purpose of paying previous fiscal year bill to the following Vendor: Direct Energy \$608.36 (Public Works Department-Public Buildings).

Action on the motion: Motion passes with a unanimous vote.

Article 18:

A motion was made that the Town vote to transfer the sum of \$30,000 from the Dog License Receipts Reserved Account (23063000) to the Dog License Receipts Appropriated Account (23064000).

Action on the motion: Motion passes with a unanimous vote.

Article 19:

A motion was made that the Town appropriate from Free Cash the sum of \$15,000 for the funding of a portion of the archival records management program proposed for Town Hall and the Seekonk Public Library.

Action on the motion: Motion passes with a unanimous vote.

Article 20:

A motion was made that the Town appropriate from Community Preservation Historic Preservation Reserve the sum of \$28,500.00 and \$1500.00f from unbudgeted reserves from the CPC fund for the funding of a portion of the archival records management program proposed for Town Hall and the Seekonk Public Library for the acquisition, creation, preservation and/or rehabilitation of historic resources.

Action on the motion: Motion passes with 129 approving and 1 disapproving.

Article 21:

A motion was made that the Town vote to appropriate an additional \$239,958.00 to line 57 Seekonk Schools FY13 Operation Budget for a total appropriation of \$20,531,651 to reflect additional Chapter 70 State Aid

Action on the motion: Motion passes with unanimous vote.

Article 22

A motion was made that the town vote to accept as a public way the street know as Pine Meadow Drive as detailed in this warrant.

Action on the motion: Motion passes with a unanimous vote.

Article 23:

A motion was made to amend Town of Seekonk Zoning Bylaws, Section 25. Conservation Subdivision Design as follows:

SECTION 25. CONSERVATION SUBDIVISION DESIGN

25.1 PURPOSE

The purpose of this Conservation Subdivision Design is to encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use; to preserve historical and archeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Seekonk's traditional New England natural landscape; to allow landowners a reasonable return on their investment; to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner; and to promote the provision of safe, sanitary, and affordable housing for all sectors of Seekonk's population, including low- and moderate income households.

25.2 APPLICABILITY

Any subdivision of eight (8) or more lots, from a parcel or set of contiguous parcels held in common ownership and located within a Residence District other than an R-1 zoning district may be permitted by right upon approval by the Planning Board (Board).

25.3 PRE-APPLICATION REVIEW

The applicant is strongly encouraged to request a pre-application review with the Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent and Public Works Superintendent. The applicant's consultants are strongly encouraged to attend. The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process.

25.4 PROCEDURES

Applicants for a Conservation Subdivision shall file with the Planning Board a Preliminary Plan and Definitive Plan, conforming to the contents specified in the Rules and Regulations Governing the Subdivision of Land in Seekonk, Massachusetts. In addition said plans shall include the following:

1. Proposed topography, wetlands, and the results of deep soil test pits and percolation tests at the rate of one per acre, but in no case fewer than four (4) per Conservation Subdivision.

2. Where the potential for wetland impacts exist, the Planning Board shall require the applicant to submit to the Conservation Commission, a request for a determination of applicability or notice of intent pursuant to G.L.c. 131, 40 and 310 CMR 10.05 (3).
3. Not more than 25% of the total tract shall be disturbed areas. A disturbed area is any land not left in its natural vegetated state. This calculation shall be included on all plans.
4. Any additional information necessary to make the determinations and assessments cited herein.
5. A yield plan showing the development designed in conformance with a conventional subdivision, as outlined in the Rules and Regulations shall also be submitted.

25.5 DESIGN PROCESS

Each Development Plan shall follow a four-step design process, as described below. When the Development Plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that these four design steps were followed by their site designers in determining the layout of their proposed streets, house lots, and open space.

- a. *Designing the open space.* First, the open space is identified. The open space shall include, to the extent feasible, the most sensitive and noteworthy natural, scenic, and cultural resources on the property.
- b. *Location of house sites.* Second, potential house sites are tentatively located.

House sites should be located not closer than 100' to wetlands areas, but may be situated within 50' of open space areas, in order to enjoy views of the latter without negatively impacting the former.

- c. *Street and lot layout.* Third, align the proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots, access and streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on open space. To the greatest extent practicable, wetland crossing and streets traversing existing slopes over 15% shall be strongly discouraged.
- d. *Lot lines.* Fourth, draw in the lot lines. These are generally drawn midway between house locations.

25.6 LOT DIMENSIONS

Each lot shall contain not less than 15,000 square feet of area if serviced by town water and not less than 20,000 square feet if not serviced by town water. Said lots

shall have frontage of not less than 50 feet, front yards of at least 20 feet and rear and side yards of at least 10 feet.

25.7 NUMBER OF DWELLING UNITS

The maximum number of dwelling units allowed shall be equal to the number of lots which could reasonably be expected to be developed upon that parcel under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

25.8 ACCESS TO LOTS

Lots within a Conservation Subdivision may only be accessed from roads within the subdivision.

25.9 OPEN SPACE REQUIREMENTS

A minimum of 40% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas and shall not consist of narrow strips of land around the perimeter of the site which do not meet the intent of this by-law. The Board may require interconnected open space on adjacent subdivisions to encourage biodiversity by maximizing habitat size and minimizing edge effects. Such open space may be separated by the road(s) constructed within the Conservation Subdivision. A physical demarcation between residential properties and the required open space shall be included to prevent said open space from being absorbed by adjacent residential properties. Suggested examples include split rail fences, stone walls, boulders or other impediments as approved by the Board. The percentage of this open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions shown on the Development Plan.

The required open space shall be used for conservation, historic preservation, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes. Existing underground utilities, as of the date of adoption of this section, to serve the Conservation Subdivision site may be located within the required open space.

The required open space shall, at the owner's election, be conveyed to a corporation or trust owned jointly or in common by the owners of lots within the Conservation Subdivision. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for

mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. The owner of each lot shall be deemed to have assented to the town a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the town of same. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

Any proposed open space shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

25.10 DENSITY BONUS OPTION

1. Eligible Projects: For any proposed Conservation Subdivision of 8 or more units that is not within the Groundwater Aquifer Protection District, the developer may voluntarily elect to provide affordable housing units and receive a density bonus upon grant of a special permit by the Planning Board. The Planning Board shall require as a condition of such a density bonus the following:
 - a. The provision within the Conservation Subdivision of affordable housing units amounting to a minimum of ten (10) percent of the development's total number of dwelling units. Fractions of a unit will be rounded up to the next whole number.
 - b. The affordable units to be provided shall be equivalent in size, quality, and characteristics to the other units in the development.
 - c. The affordable units shall not be grouped together; they shall be distributed among all units.
2. Alternative Provision of Units: The Planning Board may allow, as a condition of said density bonus that, in lieu of all or some of the affordable housing units being provided within the Conservation Subdivision, the developer shall:

- a. Provide all or some of the affordable housing units on a site different from the Conservation Subdivision; or
- b. Provide all or some of the affordable housing units through an alternative means, such as the purchase of existing units with the addition of deed restrictions or some other legally enforceable instrumentality acceptable to the Planning Board ensuring its continuing affordability; or
- c. Provide the equivalent value of all or some of the affordable housing units through a "fee-in-lieu" paid to the Town of Seekonk's Community Preservation Act Community Housing fund, which will be dedicated to the provision of affordable housing; or
- d. Provide all or some of the affordable housing units through a combination of any or all of the methods in this Section.

The Planning Board shall ensure that the affordable units to be provided through alternative methods shall be equivalent in size, quality, and characteristics to the units within in the Conservation Subdivision. The Planning Board will also ensure that these alternative methods will encourage the most appropriate use of land and buildings, and/or will avoid undue hardship to land and buildings.

The value of a "fee-in-lieu" payment shall be equal to the price of a unit that is affordable to a qualified purchaser, assuming a household size of 1.49 persons per bedroom. Bedrooms will be determined by the average number of bedrooms per unit in the Conservation Subdivision. In the case of multiple affordable units, the price shall be multiplied by the number of affordable units created by the Conservation Subdivision.

3. Density Bonus: Under the voluntary special permit, the Planning Board will allow an increase in the maximum number of on-site market rate dwelling units in the Conservation Subdivision established under Section 25.7 of this bylaw. The number of these bonus market rate units will be equal to the number of affordable units created by the Conservation Subdivision. Fractions of a unit will be rounded up to the next whole number.
4. Schedule/Timing of construction or provision of affordable units or lots: The Planning Board may impose conditions on the special permit requiring construction of affordable housing according to a specified time table, so that affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

<u>MARKET-RATE UNIT %</u>	<u>AFFORDABLE HOUSING UNIT %</u>
<u>Up to 30%</u>	<u>None required</u>
<u>30% plus 1 unit</u>	<u>At least 10%</u>
<u>Up to 50%</u>	<u>At least 30%</u>
<u>Up to 75%</u>	<u>At least 50%</u>
<u>75% plus 1 unit</u>	<u>At least 70%</u>
<u>Up to 90%</u>	<u>100%</u>

5. Disturbed Areas: The Planning Board may grant a waiver allowing that the proportion of disturbed areas within the Conservation Subdivision may exceed 25% of the total tract only if that incremental disturbed area is needed to directly support the provision of and access to the additional on-site bonus market units and on-site affordable units.

6. Qualified Purchasers/Tenants: To ensure that only eligible households purchase or lease affordable housing units, the purchaser or lessee shall be required to submit copies of his/her household's last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the Conservation Subdivision or his/her agent, and within thirty (30) days following transfer of title, to the Seekonk Housing Authority, that his/her household's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time. The maximum housing cost for affordable units created under this bylaw is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program or as revised by the Town.

7. Preservation of Affordability: Each affordable housing unit created in accordance with this subsection and offered for sale or rent to the general public shall have deed restrictions or some other legally enforceable instrumentality acceptable to the Planning Board ensuring its continuing affordability in perpetuity.
 - a. Resale Price: Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the deed restriction or other chosen legally enforceable instrumentality on the property.

- b. Right of first refusal: The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be local.

25.11 DECISION

The Planning Board may approve, approve with conditions, or deny an application for a Conservation Subdivision, after assessing whether the Conservation Subdivision better promotes the objectives herein, than would a conventional subdivision.

25.12 RELATION TO OTHER REQUIREMENTS

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning by-law.

25.13 SEVERABILITY

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Seekonk's zoning bylaw.

Item: To add the following definitions to Section 2. Definitions in the appropriate alphabetical order:

Affordable Housing Unit: A dwelling unit that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing at 760 CMR 56.02, and is eligible for inclusion in the Massachusetts Department of Housing and Community Development's Subsidized Housing Inventory through the Local Initiative Program.

Low- and Moderate-Income Household: A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Seekonk as determined annually by the U. S. Department of Housing and Urban Development (HUD).

Qualified Purchaser: A low- or moderate-income household that purchases and occupies an affordable housing unit as its principal residence.

Action on the motion: Motion passes with 123 approving and 7 disapproving.

Article 24:

To see if the Town will vote to amend the Zoning Map, under Zoning Bylaw § 3.2 to change the boundaries of the R-1 and the HB Districts by changing the designation of the land shown on the 2012 Assessor's Plat 12, Lot 10-17 containing approximately 24,515 square feet of land from the Residence R-1 to Highway Business or to take any other action relative thereto.

Submitted by the Planning Board



A motion was made that the Town vote to amend the zoning designation of Seekonk Assessor's Plat 12, Lot 10-17 containing approximately 24,515 square feet of land from R-1 to Highway Business as presented in this warrant.

Action on the motion: Motion passes with 128 approving and 2 disapproving.

Article 25:

A motion was made that the Town amend Seekonk Bylaws, Category 33 by changing the fine listed in the second paragraph from \$100.00 to \$300.00, or to do take any other action thereto.

“Whoever acts as a collector of, dealer in or keeper of a shop for the purchase, sale or barter of junk, old metals, antiques or second hand articles without a license, or in any other place or manner than that designated in his license, or after notice to him that his license has been revoked, or violates any such rule, regulation or restriction shall be fined ~~one hundred dollars (\$100.00)~~ three hundred dollars (\$300.00).”

Action on the motion: Motion passes with 124 approving and 6 disapproving.

Article 26:

A motion was made that the Town vote to authorize the Board of Selectmen to sell, lease, exchange or otherwise convey all or a portion of property at 69 School Street as described in this warrant including structures and improvements thereon for such sum or other consideration and if applicable, for such term as the Board of Selectmen shall determine appropriate

Action on the motion: Motion fails with 27 approving and 60 disapproving.

Article 27:

A motion was made that the Town vote to amend the Seekonk Town By-Law Category 39 “Enforcement, Section 1 (b) Non-criminal disposition;” by adding new lines, at the end, as follows:

Category 41 Zoning: The enforcing persons shall be the Building Commissioner, the Local Inspector, and /or the Assistant Zoning Enforcement Officer.

First offence shall be a warning; second offence shall be \$100.00. Third offence shall be \$300.00 and each day that the violation exists shall be deemed to be a separate offence, or take any action relative thereto.

2. The adoption of this amendment would allow the Town Building Department to issue tickets per the provisions of Massachusetts General Law, chapter 40, Section 21D and would set up the fee schedule for each offence as it occurs. This process would be an alternative allowing the Department to either issue a violation letter or a ticket.

Action on the motion: Motion passes with 123 approving and 7 disapproving.

Article 28:

A motion was made to indefinitely postpone article 28.

Action on the motion to indefinitely postpone passes with a unanimous vote.

To see if the Town will vote to amend the General Bylaws by amending the Seekonk Bylaws as follows: Section 2C: establish a Permanent Building Committee

CATEGORY 2C – PERMANENT BUILDING COMMITTEE

The purpose of this By-Law is to provide for a Permanent Building Committee that has continuing responsibility for the management of major construction and maintenance projects of all buildings and facilities of the Town of Seekonk and for which funds are appropriated by Town Meeting. The Permanent Building Committee shall: review the design of every project and prepare design and construction specifications in accordance with the Chief Procurement Officer and all bid documents, and conduct all procurement processes as directed by the Chief Procurement Officer; be responsible for financial estimates; oversee construction for those projects for which funds are appropriated by Town Meeting; and, establish guidelines for communication with the Capital Improvement Committee, interested committees, and the public regarding proposed projects.

SECTION 2: Establishment

There is hereby established a Permanent Building Committee, which shall oversee the design, construction, reconstruction, major alteration, renovation, enlargement, major maintenance, demolition, and removal of Town buildings and related site improvements, including School Department buildings and municipal buildings, and including any significant installation, renovation or upgrade of service equipment and major systems as provided in this By-Law.

SECTION 3: Definitions

For purposes of this By-Law, the following definitions shall apply:

- 1) "Construction" means whatever is necessary to implement or complete a building project, except project design and acquisition of funds. It includes excavation, filling and grading of the building or project site.
- 2) "Design" means schematic design, design development, and development of construction documents (or equivalent documents) from the project goals established by the Proposing Body. It includes selection of architects and consultants as needed in compliance with applicable provisions of the General Laws.

- 3) "Major Maintenance" shall include projects that are capital in nature, that is: a substantial improvement to or repair of a building, structure, Building Service Equipment, major system or related infrastructure; intended to have a useful life of five or more years; and, has an estimated cost of more than \$25,000, or such other amount as may be established from time to time by the Town Administrator subject to approval by the Board of Selectmen and/or the School Committee, in writing addressed to the Permanent Building Committee.
- 4) "Building Service Equipment and Major Systems" means the mechanical, electrical and elevator equipment, including piping, wiring, fixtures and other accessories, which provide sanitation, lighting, heating, ventilation, fire suppression and other physical features that are essential for the habitable occupancy of a building or structure for its designated use. It includes process piping, specialized electrical systems, boilers, elevators, generators, HVAC systems, septic systems, fire alarms, overhead doors, automatic handicapped access doors, major electrical service including wiring and fixtures, major plumbing service including piping and sanitation fixtures, and building skin (roofs, gutters, masonry, windows, exterior paint, etc.). It does not include tangible items that may be installed in a building but which are not capital in nature, such as information system technology (computers and computer systems).
- 5) "Municipal Buildings" shall refer to public buildings, including buildings under the supervision of the School Department and the Library Trustees.
- 6) "Project" means any of the following in connection with any Town building or other structures or any of the Building Service Equipment: erection, alteration, rehabilitation, remodeling, acquisition and installation of original equipment and furnishings, demolition, removal, excavation, filling, and grading. It does not include public works infrastructure such as streets, drainage systems and the like, or any uninhabited buildings and other structures used exclusively in connection with such public works infrastructure; it does not include routine maintenance and upkeep of a building or other structure or its service equipment which is performed on a regular basis in connection with the normal use of the building or structure.
- 7) "Project Goals" means the general objectives and the particular needs to be met through the construction of the project.
- 8) "Proposing Body" means the Town of Seekonk Board of Selectmen, School Committee, Library Trustees, or other elected board that has custody, care and maintenance of public buildings or land which is sponsoring or requesting a construction or major maintenance project. The Proposing Body is responsible for:
 - a) Determination of the goal for the proposed project, including the function and needs which it is designed to fulfill, expanded services, auxiliary public use if any, additional personnel required to maintain the facility, annual maintenance costs, expected hours of the facility's availability, and overall effect on the services that are delivered to the citizens of the Town, and the cost of providing such services.
 - b) Performance of feasibility studies and needs analysis, including the plans of the Municipal Capital Improvement Committee to determine the necessary features and estimated size and cost requirements of the project, as well as the estimated requirements for equipment and furnishings.
 - c) Approval of transitional building plans, including health and safety protocols for maintaining the underlying service associated with the facility while construction takes place.

- d) Approval of any design changes or budget reprioritization having a material impact, as determined by the Permanent Building Committee and the Board of Selectmen on the programmatic design, transitional building plans, or outcome of the project.
- 9) Structures – Anything erected requiring location on the ground or attachment to something having location on the ground, including Recreational Areas, Athletic Fields, Parking Lots and Swimming Pools.

SECTION 4: Membership

- 1) Regular Members. The Permanent Building Committee shall consist of five (5) regular voting members, all serving without compensation. The composition of the Permanent Building Committee shall include, to the extent possible, one registered architect, one licensed engineer, one individual who is primarily engaged in the construction business, and one attorney. No such member shall be an officer, official, or paid employee of the Town, or a member of any other board or committee, except advisory and ex-officio members as provided in this bylaw. All regular members shall be residents of the Town of Seekonk. All regular members shall be appointed by the Board of Selectmen as the appointing authority in accordance with the provisions of CATEGORY 2A of the General Bylaws.
- 2) Liaisons. For each municipal project, a liaison who is a member or representative of the Proposing Body and an additional liaison who is a member or representative of the Capital Improvement Committee shall be appointed by their representative Committee Chairperson.
- 3) Advisory Quasi-Member. For each project, the Permanent Building Committee may invite staff or other Town residents with particular expertise to advise the Committee related to that project. The Permanent Building Committee may also request the designation of Town staff with similar expertise to serve in an advisory capacity for a particular project. Such advisory or assigned individuals may participate in the activities of the Permanent Building Committee with respect to the particular project but shall not have the right to vote. Any such request shall be made to the Town Administrator for Town employees other than School Department personnel, and to the Superintendent of Schools for School Department personnel. The Town Administrator and Superintendent shall determine the appropriate staff member in each case. Such Ex Officio Advisory Quasi-members shall not have voting authority.
- 4) Term of Appointment
 - a) Regular members shall be appointed for a three (3) year term. In making the original appointments under this By-Law, the appointing authority shall designate two regular members to serve for no more than three years ending on June 30 of the third year, two regular members to serve for no more than two years ending on June 30 of the second year, and one regular member to serve for no more than one year ending on June 30 of the first year. Thereafter, vacancies shall be filled for a three year term beginning on July 1. Upon expiration of a term, members shall continue to serve until a successor has been appointed and qualified.

SECTION 5: Powers and Duties of the Committee

- 1) General Duties. The Permanent Building Committee shall have general oversight of design, construction, reconstruction, major alteration, renovation, enlargement, major maintenance, demolition, and removal of Town buildings, including School Department buildings and Municipal Buildings, and including any significant installation, renovation or upgrade of Building Service Equipment and Major Systems as provided in this By-Law.
- 2) Review and Audit of Buildings. The Permanent Building Committee, with the Capital Improvement Committee shall annually review and audit the physical condition of all municipal and school buildings, including service equipment and major systems. It shall report its findings and recommendations to the Town Administrator before October 1 of each year for his/her consideration in development of the capital improvement plan. This report shall be included in the Annual Town Report.

Each board or committee that has custody and maintenance of any town building shall cooperate fully with the Permanent Building Committee in the review and audit.

- 3) Financial Requirements and Notification. Any board or committee which proposes a project shall provide information regarding the project goals and the financial requirements of the project to the Permanent Building Committee at least 180 days in advance of the Town Meeting at which funding of any kind for the project will be requested. This information shall be simultaneously submitted to the Town Administrator, the Board of Selectmen, the School Committee, the Finance Committee, and the Capital Improvement Committee. The Permanent Building Committee shall review the information provided to determine whether the sums requested are reasonable with respect to the financial requirements of the project and shall report thereon to the Town Administrator and to the Capital Improvement Committee at least 30 days in advance of the Town Meeting.
- 4) Appropriations. The funds for the design and construction of a project shall be appropriated to and expended by the Permanent Building Committee under the direction of the appropriate Proposing Body, unless otherwise specified by Town Meeting.
- 5) Design Review. A Proposing Body which is to supervise the project in accordance with Section 6.6 shall submit to the Permanent Building Committee the design for that project, from which technical specifications for bidding and procurement shall be prepared.
 - a) The Permanent Building Committee shall approve, disapprove, or modify the design within 30 days of the receipt thereof. Failure to approve, disapprove, or modify the design within the 30 day period shall constitute approval.
 - b) Every project must be completed in accordance with a design approved by the Permanent Building Committee. An approved design may be modified only if the modification is approved by the Permanent Building Committee before it is incorporated into the project.
- 6) Project Feasibility Studies. Any board or committee, including the Capital Improvement Committee, undertaking a project feasibility study shall inform the Permanent Building Committee of the study, and provide copies of any reports that result from the study to the Permanent Building Committee upon receipt and acceptance.

7. Projects under Committee's Jurisdiction. The Permanent Building Committee shall oversee and supervise the design and construction of all projects within its jurisdiction, including the designer selection process for the solicitation, evaluation and recommendation of a project designer, schematic design, design development, production of construction documents, public construction bidding, contract award recommendation and construction administration in compliance with the General Laws. All such projects shall be developed in a manner consistent with the project goals and physical requirements established by the Proposing Body and the applicable provisions of the General Laws. All solicitations for designer services and invitations for bids for construction shall be coordinated with the Town Administrator, acting as the Chief Procurement Officer, to assure compliance with the applicable provisions of the General Laws. The Town Administrator shall award and execute all designer services contracts and construction contracts.

- a) Financial Oversight. The Permanent Building Committee shall review and report the financial requirements of all projects within its jurisdiction, or for which it may become responsible, and oversee the expenditure of funds in the course of execution of such projects.
- b) Coordination with Other Town Boards and Committees. For projects under its jurisdiction, the Permanent Building Committee shall coordinate with other Town entities as follows:
 - i) In consultation with the Planning Board, oversee site planning for new construction and additions; such planning to include building location, roadways, parking, lighting, and general landscape design concepts.
 - ii) In consultation with the Conservation Commission and the Department of Public Works oversee plant selection, cost, and installation of landscaping for new, enlarged, or renovated building projects within its jurisdiction.
 - iii) In consultation with the Historical Commission, oversee enlargement, remodeling and/or restoration of Town-owned historic property to ensure that work is done in compliance with the Secretary of the Interior's Standards and Guidelines for Historic Preservation.

8 Records and Reporting. The Permanent Building Committee shall retain drawings and specifications, bid documents, contracts, permits, reports and any other document that records the as-built condition, as well as any stages of work in progress, of any building, site or project and keep them on file in the Building Inspector's Office. The Permanent Building Committee shall make an annual report of its activities and recommendations to be published in the Annual Town Report.

SECTION 9: Policies and Procedures

- 1.) The Permanent Building Committee shall, in consultation with the Board of Selectmen and School Committee, adopt and make available to all boards, officers, and officials policies and procedures implementing the provisions of this Article. Said policies and procedures shall address at least the following subjects:
 - a) Financial requirements, including monitoring and reporting during construction, for each project within its jurisdiction, including the time period(s) within which information must be available.
 - b) General criteria the Permanent Building Committee will use in reviewing project designs, including but not limited to "green" considerations such as energy conservation, energy efficiency and renewable energy installations.

- c) Guidelines to be utilized by Proposing Bodies in developing the structure and content of project documentation to be utilized by the Permanent Building Committee in carrying out its responsibilities under this By-Law.
 - d) Guidelines for the review and discussion of project progress with the Proposing Body during the design and construction thereof.
 - e) Guidelines for communication with Town boards and committees, including the Finance Committee and the Capital Improvement Committee, in connection with the Permanent Building Committee's annual review and audit of building facilities.
 - f) Guidelines for presentation of projects at Town Meeting, including designation of responsibilities as between the Permanent Building Committee and the Proposing Body.
- 1) The Permanent Building Committee may request staff support from the board or committee who has custody or maintenance of the building or land on which the project is located, or from the Proposing Body.

Submitted by the Board of Selectmen

Motion: *Moved that the Town vote to amend the General Bylaws by amending the Seekonk Bylaws adding: Section 2C: Establish a Permanent Building Committee as presented in this warrant.*

Article 29:

TO SEE IF THE TOWN WILL VOTE TO AMEND THE SEEKONK ZONING BY-LAW BY MAKING THE FOLLOWING CHANGES REGARDING A NEW CONTINUING CARE RESIDENCY CAMPUS OVERLAY DISTRICT (CCRCOD):

Item 1. Add a new Section 9.10, entitled "Continuing Care Residency Campus Overlay District," as follows:

9.10 CONTINUING CARE RESIDENCY CAMPUS OVERLAY DISTRICT (CCRCOD):

9.10.1 PURPOSE

The purpose of this Section, Continuing Care Residency Campus Overlay District (CCRCOD), is to:

1. provide for the development of the various residential opportunities including continuing care as set forth herein in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas; and
2. develop such residential opportunities in a manner harmonious with the surrounding land uses while protecting natural resources and open space; and
3. protect the value of real property; and
4. promote sensitive siting of buildings and better overall site planning; and

5. allow landowners a reasonable return on their investment; and
6. facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner.

9.10.2 DEFINITIONS

Adult day care facility: A social day care or adult day health facility as those terms are defined by the Commonwealth's Department of Elder Affairs.

Assisted Living Facility (ALF) - A facility as defined in 651 CMR 12.02, which offers supportive services to individuals who are unable to live independently in the community by supervising and/or assisting with basic activities of daily life, such as, but not limited to, dressing, bathing, toileting, and nutrition.

Congregate Care or Independent Living Facility - A facility reserved for occupancy by persons who are able to care for themselves, but with some common facilities as described herein in a multifamily dwelling.

Dwelling: A structure containing no more than 100 dwelling units or other residential facilities. Each dwelling shall be constructed on one level, or constructed with an elevator; not to exceed two bedrooms.

Dwelling Unit - A residence containing a living area, bathroom or bathrooms, and one or two bedrooms, which may contain a kitchen area or combination kitchen/living area.

Nursing Home: Any facility defined in and licensed under G.L. c. 111, s. 71.

Continuing Care Residency Campus (CCRC) - A combination of any of the uses permitted in Section 9.10.5, below, meeting all of the standards set forth in this by-law on a single property or set of contiguous properties in common control, or subject to an agreement to operate as a common entity or in concert.

Upland Area - Land not wetlands.

Wetlands - Land subject to the provisions of G.L. c. 131, ss. 40 and 40A and Seekonk Wetland By-Law.

9.10.3 OVERLAY DISTRICT

The CCRCOD is an overlay district superimposed on all underlying zoning districts pertinent to the locus. All uses permitted by right or by special permit in the pertinent underlying zoning district shall be similarly permitted in the CCRCOD subject to the provisions of this Section. Where the CCRCOD authorizes uses not otherwise allowed in the underlying district, the provisions of the CCRCOD shall control. The boundaries of the CCRCOD are set forth in Section 3.2.7.

9.10.4 MINIMUM AREA

The parcel or set of contiguous parcels containing the CCRCOD shall not be less than thirty-five (35) acres, all of which shall be located exclusively in the Town of Seekonk.

9.10.5 PERMITTED USES

The first phase of a project in a Continuing Care Residency Campus must include an Assisted Living Facility and may include any of the other permitted uses. Within the CCRCOD, a Continuing Care Residency Campus may be constructed as of right, upon site plan approval by the Planning Board, as set forth below. A Continuing Care Residency Campus may include in combination three or more of the following permitted uses, whether located in the same structure or not:

1. Assisted Living Facility
2. Congregate Care or Independent Living Facility
3. Nursing Home
4. Independent Care Dwellings
5. Golf course open to the general public, and to the residents of the CCRC and other private members, with accessory facilities normally associated therewith including a pub or tavern with a license pursuant to G. L. c. 138, subject to approval of the licensing board.
6. Structures and uses accessory to the Continuing Care Residency Campus may also be provided in the same or in a freestanding building, or in outdoor areas set aside to enhance the same uses, including, but not limited to, the following: beauty and barber salons; recreational, physical fitness and therapy services; nondenominational chapel; library; bank automated teller machine; management offices; office buildings, specialty shops, such as: flower, donut, coffee, juice bar, liquor, postage or shipping, pet, candle, t-shirt, clothing, tailor, golf, photo, pharmacy, ice cream, antique, candy, arcade, art studio, pottery, jewelry, medical supplies, general store, convenience store, video, music, book, bakery, gift,; day care, adult day care or adult day health facility; hospice residence; food service; laundry, dry cleaners, tanning salon, and restaurants, including pizza, deli, diner, sandwich, breakfast and covered parking areas. Except for swimming pools, tennis courts, and other outdoor recreational uses, including a health club, such accessory uses shall be in designated outdoor areas or within a structure, and shall comply with the signage requirements of the Zoning By-law or any other use that is allowed by the underlying Mixed Use Zone. Any use other than that stated in paragraph 6 or in the underlying zone will require a special permit from the Zoning Board of Appeals.

9.10.6 PROCEDURES

An Applicant for site plan approval of a Continuing Care Residency Campus shall file with the Planning Board ten (10) copies of a Development Plan conforming to the requirements for a site plan review under the Zoning By-laws of the Town of Seekonk. Such plan shall also indicate:

- 9.10.6.1 existing and proposed topography;
- 9.10.6.2 wetlands; where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the Conservation Commission a request for determination of applicability pursuant to G.L. c. 131, §40 and 310 CMR 10.05(3), the Wetlands Protection Act;

- 9.10.6.3 unless the development is to be sewerred, the results of deep soil test pits and percolation tests. The Planning Board shall refer data on proposed wastewater disposal to the Board of Health for their review and recommendation;
- 9.10.6.4 specifications demonstrating that access roads and drainage facilities shall meet the functional requirements of the Planning Board's rules and regulations;
- 9.10.6.5 notwithstanding the provisions of Section 10.3, the applicant shall not be subject to Site Plan Review otherwise required therein.
- 9.10.6.6 the applicant may be required to submit any additional information necessary to make the determinations and assessments cited herein.

9.10.7. DWELLING UNITS

The following standards shall govern dwellings and dwelling units:

- 9.10.7.1 Density; Congregate Care/Independent Living and Multifamily Structures. The maximum number of dwelling units allowed in any Congregate Care/Independent Living and Multifamily Structures in a CCRC shall not exceed 300 units.
- 9.10.7.2 Density; Assisted Living Facility or Nursing Home. The maximum number of beds allowed in any Assisted Living Facility or Nursing Home in a CCRC shall not exceed 160 beds.
- 9.10.7.3 Density; The combined total density of dwelling units and beds shall not exceed the amount of dwelling units allowed in any Congregate Care/Independent Living and Multifamily Structures in Section 9.10.7.1 together with the maximum number of beds allowed in any Assisted Living Facility or Nursing Home in Section 9.10.7.2 for a maximum density of three hundred dwelling units and 160 beds.
- 9.10.7.4 Structures. No individual structure within a Continuing Care Residency Campus shall contain more than one hundred (100) dwelling units or 160 beds, as the case may be, unless a special permit for more dwelling units or beds is granted by the Planning Board. The Assisted Living Facility must be the first structure constructed, as defined as the first building permit drawn for the Continuing Care Residency Campus. However, the sewer connection must be completed, prior to obtaining any building permits.
- 9.10.7.5 Height. No structure shall exceed four stories or 55 feet in height, unless a special permit for greater height is granted by the Planning Board
- 9.10.7.6 Parking. The number of parking spaces to be provided for independent living dwelling units shall be at a ratio of parking space per two independent living dwelling units. The Planning Board may require additional visitor parking spaces if deemed necessary. The number of parking spaces to be provided for any assisted living facility or nursing home shall be equal to the number of employees on the largest shift, plus one space per every 5 beds. The number of parking spaces to be provided for any offices, commercial establishments or other uses listed in Section 9.10.5 shall be at least one space per 500 square feet but not more than one space per 250 square feet of gross floor area.

9.10.7.7 Setbacks. Each structure shall be a minimum of 30 feet from adjacent properties.

9.10.7.8 Multiple Structures on a Lot or Parcel. Except as provided in Section 9.10.7.2, the Continuing Care Residency Campus may be a single lot or parcel, or in the alternative, a structure or multiple structures may be placed on separate lots or parcels. The requirements of the underlying districts shall not apply with regard to such lots or parcels.

9.10.8 OPEN SPACE REQUIREMENTS

9.10.8.1 Minimum Area. A minimum of 40% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas, including wetland areas and planted/landscape area. Such open space may be separated by roadways or driveways either proposed or constructed within the Continuing Care Residency Campus.

9.10.8.2 Use. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, golf course, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.

9.10.8.3 Cover. The required open space shall remain unbuilt upon, provided that ten percent (10%) of such open space, other than any golf course, may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bike paths, and agriculture.

9.10.8.4 Utilities. Underground utilities to serve the Continuing Care Residency Campus may be located within the required open space. All utilities within a continuing care residency campus shall be located underground; excluding a waste water treatment facility and any other such improvements that cannot be constructed underground.

9.10.9 STANDARDS

The following standards shall apply for the design of a Continuing Care Residency Campus:

A motion was made to amend section 9.10.9.1 and add Seekonk wetland protection by-law after CMR 10.00.

Action on the motion to amend passes with 43 approving and 19 disapproving.

9.10.9.1 Buffer Areas. All dwellings and structures shall be located a minimum of 30 feet from adjacent properties, and 50 feet from adjacent wetlands, subject to approval from the Conservation Commission pursuant to 310 CMR 10.00 and the Seekonk wetland protection by-law. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to agricultural or recreational used property. Parking areas will have a 10 foot minimum landscaped buffer from adjacent properties.

9.10.9.2 Utilities. A Continuing Care Residency Campus shall be served by a public water supply,

electricity, natural gas, a combined heat and power system and shall be served by a sewage disposal system or a wastewater treatment facility (WWTF) within two miles of the CCRC provided that the WWTF has adequate excess capacity available. The WWTF must obtain all necessary permits from the Massachusetts Department of Environmental Protection (MADEP) for the conveyances and treatment of wastewater from the CCRC. The CCRC may install a sanitary sewer force main within the CCRC, public highways or roads, public sidewalks and public or private easements to convey sanitary sewage and treated effluent between the CCRC and WWTF provided that the installation and repair of all disturbances to roadway improvements are made in accordance with the Seekonk Department of Public Works and Mass Highway Standards and Specifications for Roadways and Bridges. The sanitary sewer force main will be constructed and installed within roadway crossings as perpendicular as possible, and off of the traveled way and in the shoulder or sidewalk area wherever feasible.

9.10.9.3 Irrigation. Water for irrigation purposes will be provided on-site and not by the public water supply.

9.10.9.4 Accessory Buildings. Permitted accessory buildings may include property management office, structures to serve allowed accessory uses, common recreational facilities (including fitness center, swimming pool, meeting rooms, etc.), physical plant and maintenance facilities, wastewater treatment facility, water treatment facilities, water storage tank or tanks and the like.

A motion was made to amend section 9.10.9.5 to add Seekonk wetland by-law to that section as follows:

Action on the motion to amend: Motion passes with 43 approving and 19 disapproving.

9.10.9.5 Stormwater Management. Stormwater management shall be consistent with the requirements for Subdivisions set forth in the Rules and Regulations of the Planning Board, section 10.6.2 of the Zoning By-Laws and any other applicable federal or state standards and the Seekonk wetland by laws.

9.10.9.6 Roadways. The principal roadway(s) serving the Continuing Care Residency Campus shall be adequate for the intended use and vehicular traffic and shall be maintained by the Applicant.

9.10.9.7 Maximum Coverage. Not more than 55% of the Continuing Care Residency Campus shall be covered by an impervious surface.

9.10.9.8 Lighting. Lighting shall comply with Section 10.6.4 of the Zoning By-law.

9.10.10 DECISION

The Planning Board shall render its decision regarding the site plan within sixty (60) days of the

date of the application, as may be extended by agreement in writing. Such decision shall be filed with the office of the Town Clerk. Site plan approval for a Continuing Care Residency Campus shall be granted upon determination by the Planning Board that new building construction or other site alteration satisfies all of the following objectives.

- 9.10.10.1 Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
- 9.10.10.2 Maximize pedestrian and vehicular safety both on the site and egressing from it;
- 9.10.10.3 Minimize obstruction of scenic views from publicly accessible locations;
- 9.10.10.4 Minimize visual intrusion by controlling the visibility of parking, storage, HVAC or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- 9.10.10.5 Minimize glare from headlights and lighting intrusion and light overspill into the night sky;
- 9.10.10.6 Provide adequate access to each structure for fire and other emergency service equipment;
- 9.10.10.7 Provide adequate stormwater management consistent with the functional design standards in the Planning Board's Subdivision Rules and Regulations;
- 9.10.10.8 Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- 9.10.10.9 Minimize contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

9.10.11 APPEAL

Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

9.10.12 RELATION TO OTHER REQUIREMENTS; SEVERABILITY

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law. In the event any provision of this Section 9.10 is deemed unconstitutional or invalid, it is the intention that such decision shall not affect the validity of this Section 9.10 as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Item 2. Add the following new Section 3.2.7:

The boundaries of the Continuing Care Residency Campus Overlay District (CCRCOD) shall be as follows:

That certain tract or parcel of land with all buildings and improvements thereon situated on the easterly side of Fall River Avenue (Mass. Route 114-A) in the Town of Seekonk, County of Bristol, Commonwealth of Massachusetts and is bounded and described as follows:

Beginning at a point on the easterly side of Fall River Avenue, said point being the northwesterly corner of land now or formerly belonging to Hurd Realty, LLC;

Thence N 08° 59' 40" W a distance of six hundred ninety and twenty-eight hundredths feet (690.28') along the easterly line of Fall River Avenue to land now or formerly belonging to Bocada Enterprises;

Thence N 78° 07' 10" E a distance of two hundred twenty-eight and forty-four hundredths feet (228.44') by land now or formerly of Bocada Enterprises;

Thence N 13° 37' 10" W a distance of four hundred four and sixty hundredths feet (404.60') to an angle;

Thence running N 13° 57' 10" W a distance of seventy-five and forty-five hundredths feet (75.45') to a corner;

Thence running N 88° 50' 10" E a distance of one hundred seventy-four and ninety-one hundredths feet (174.91') to land now or formerly belonging to Herb Chambers of Seekonk LLC.

The last three above-described courses being bounded by said Bocoda Enterprises.

Thence running S 41° 45' 50" E a distance of ninety-two and nineteen hundredths feet (92.19') to a corner;

Thence running S 01° 09' 50" E a distance of one hundred nineteen and no hundredths feet (119.00') to a corner;

Thence running N 88° 50' 10" E a distance of three hundred thirty-three and no hundredths feet (333.00') to a corner;

Thence running N 01° 09' 50" W a distance of one hundred eighty-nine and no hundredths feet (189.00') to land now or formerly belonging to Geo-Missy Ltd Partnership for a corner.

The last four above-described courses being bounded by said Herb Chambers land.

Thence running N 88° 50' 10" E a distance of eighty-three and eighty-seven hundredths feet (83.87') to a corner;

Thence running N 13° 58' 50" W a distance of three hundred seven and sixty-seven hundredths feet (307.67') to Taunton Avenue for a corner.

The last two above-described courses being bounded by said Geo-Missy land.

Thence running N 88° 50' 10" E bounded northwesterly by said Taunton Avenue a distance of forty and sixty-two hundredths feet (40.62') to land now or formerly of Johnson & Wales College;

Thence S 13° 58' 50" E a distance of one thousand one hundred sixty and forty-five hundredths feet (1160.45') by land now or formerly of Johnson & Wales College;

Thence S 34° 40' 43" E a distance of one hundred eight and eleven hundredths feet (108.11') by land now or formerly of Johnson & Wales College;

Thence N 77° 41' 20" E a distance of one hundred seventy-five and no hundredths feet (175.00') by land now or formerly of Johnson & Wales College;

Thence S 09° 09' 40" E a distance of one hundred sixteen and eighty-seven hundredths feet (116.87') by land now or formerly of Payne;

Thence N 44° 18' 20" E a distance of one hundred fifty-seven and forty-one hundredths feet (157.41') by land now or formerly of Payne;

Thence N 42° 51' 20" E a distance of one hundred twenty-three and nine hundredths feet (123.09') by lands now or formerly of Payne and Lagoa;

Thence S 56° 36' 53" E a distance of four hundred forty-one and ninety-three hundredths feet (441.93') by lands now or formerly of Lagoa, Miller, Stone, Lundgren and Sequeira;

Thence S 56° 25' 35" E a distance of one hundred twenty-three and forty-eight hundredths feet (123.48') by land now or formerly of Sequeira;

Thence S 55° 27' 17" E a distance of one hundred twenty-nine and thirty-two hundredths feet (129.32') by land now or formerly of Correia;

Thence S 55° 49' 35" E a distance of three hundred twenty-five and no hundredths feet (325.00') by lands now or formerly of Correia and Hinds to Arcade Avenue;

Thence S 41° 07' 45" W a distance of two hundred forty-two and ninety-six hundredths feet (242.96') by Arcade Avenue;

Thence S 36° 16' 15" W a distance of four hundred forty and fifty-one hundredths feet (440.51') by Arcade Avenue to the beginning of a curve;

Thence running southwesterly by a curve with a radius of one thousand nine hundred seventy-five and no hundredths feet (1975.00') and a length of two hundred seventy-nine and seventy-eight hundredths feet (279.78') by Arcade Avenue to the end of said curve.

Thence S 44° 23' 15" W a distance of four hundred seventy-three and one hundredths feet (473.01') by Arcade Avenue to lands now or formerly of Foisy;

Thence N 47° 11' 45" W a distance of three hundred thirty-eight and one hundredths feet (338.01') by lands now or formerly of Foisy;

Thence running S 02° 32' 45" E a distance of one hundred eleven and five hundredths feet (111.05') to an angle;

Thence running S 21° 48' 15" W a distance of ninety-one and no hundredths feet (91.00') to land now or formerly belonging to Grist Mill Holdings, LLC;

Thence running S 52° 21' 49" W bounded by said Grist Mill Holdings, LLC a distance of two hundred eighty-seven and seventy-seven hundredths feet (287.77') to land now or formerly of Enfield Corporation for a corner;

Thence running N 38° 31' 26" W a distance of two hundred ninety-seven and forty-four hundredths feet (297.44') to a corner;

Thence running S 39° 26' 25" W a distance of three hundred ninety-six and no hundredths feet (396.00') to said Fall River Avenue to a point on a curve for a corner.

The last two above-described courses being bounded by said Enfield Corporation.

Thence running northwesterly by a curve with a radius of one thousand and no hundredths feet (1000.00') and a length of two hundred forty-nine and seventy-nine hundredths feet (249.79') to the end of said curve.

Thence running N 26° 05' 20" W a distance of three hundred nine and fifty-three hundredths feet (309.53') to land now or formerly belonging to Katherine M. Kirkpatrick for a corner;

Thence N 76° 01' 10" E a distance of one hundred one and twenty-six hundredths feet (101.26') by land now or formerly of Katherine M. Kirkpatrick;

Thence N 73° 04' 40" E a distance of thirty-two and eleven hundredths feet (32.11') by land now or formerly of Katherine M. Kirkpatrick;

Thence N 75° 36' 10" E a distance of seventy-three and fifty-seven hundredths feet (73.57') by land now or formerly of Katherine M. Kirkpatrick;

Thence N 11° 36' 20" W a distance of seventy-eight and fifty-two hundredths feet (78.52') by land now or formerly of Katherine M. Kirkpatrick;

Thence S 77° 58' 40" W a distance of two hundred twenty-eight and eighteen hundredths feet (228.18') by land now or formerly of Katherine M. Kirkpatrick to Fall River Avenue;

Thence running northerly by a curve with a radius of one thousand four hundred eighty and no hundredths feet (1,480.00') and a length of two hundred sixty-nine and twelve hundredths feet (269.12') along the easterly line of Fall River Avenue;

Thence N 14° 11' 20" W a distance of ninety-three and twenty hundredths feet (93.20') along the easterly line of Fall River Avenue to land now or formerly of Janice Taylor;

Thence N 77° 52' 25" E a distance of one hundred eighty-six and twenty hundredths feet (186.20') by land now or formerly of Janice Taylor;

Thence N 12° 01' 20" W a distance of one hundred and no hundredths feet (100.00') by land now or formerly of Janice Taylor to the land now or formerly of Hurd Realty, LLC;

Thence N 77° 58' 40" E a distance of two and eighty-one hundredths feet (2.81') by land now or formerly of Hurd Realty, LLC;

Thence N 12° 29' 25" W a distance of two hundred sixty-six and fifteen hundredths feet (266.15') by land now or formerly of Hurd Realty, LLC;

Thence S 77° 30' 35" W a distance of one hundred sixty-three and thirty hundredths feet (163.30') by land now or formerly of Hurd Realty, LLC;

Thence southerly along curve with a radius of thirty and no hundredths feet (30.00') and a length of forty-five and twenty-nine hundredths feet (45.29') by land of Hurd Realty, LLC to Fall River Avenue and the point of beginning.

The following portion of land containing 22.865± acres that lies within the above described district is to be allocated and used for the sole purpose of the Open Space Requirement under Section 9.10.8 and is bounded and described as follows:

Beginning at a point on the northwesterly side of Arcade Avenue, said point being the most southerly corner of land now or formerly belonging to Hinds;

Thence S 41° 07' 45" W a distance of two hundred forty two and ninety six hundredths feet (242.96') by Arcade Avenue;

Thence S 36° 16' 15" W a distance of four hundred forty and fifty one hundredths feet (440.51') by Arcade Avenue;

Thence S 44° 23' 15" W a distance of four hundred seventy three and one hundredths feet (473.01') by Arcade Avenue to the lands now or formerly of Douglas and Candace Foisy;

Thence N 47° 11' 45" W a distance of three hundred thirty eight and one hundredths feet (338.01') by the lands now or formerly of Foisy;

Thence N 42° 48' 15" E a distance of sixty five and no hundredths feet (65.00');

Thence N 02° 32' 45" W a distance of two hundred sixty and seventy five hundredths feet (260.75');

Thence N 65° 02' 30" W a distance of two hundred seventy three and thirty five hundredths feet (273.35');

Thence N 1° 22' 45" W a distance of six hundred sixty five and seventy hundredths feet (665.70');

Thence N 77° 41' 20" E a distance of one hundred seventy five and no hundredths feet (175.00') by the land now or formerly of Johnson & Wales College;

Thence S 09° 09' 40" E a distance of one hundred sixteen and eighty seven hundredths feet (116.87') by the land now or formerly of Payne;

Thence N 44° 18' 20" E a distance of one hundred fifty seven and forty one hundredths feet (157.41') by the land now or formerly of Payne;

Thence N 42° 51' 20" E a distance of one hundred twenty three and nine hundredths feet (123.09') by the lands now or formerly of Payne and Lagoa;

Thence S 56° 36' 53" E a distance of four hundred forty one and ninety three hundredths feet (441.93') by the lands now or formerly of Lagoa, Miller, Stone, Lundgren and Sequeira;

Thence S 56° 25' 35" E a distance of one hundred twenty three and forty eight hundredths feet (123.48') by the land now or formerly of Sequeira;

Thence S 55° 27' 17" E a distance of one hundred twenty nine and thirty two hundredths feet (129.32') by the land now or formerly of Correia;

Thence S 55° 49' 35" E a distance of three hundred twenty five and no hundredths feet (325.00') by the lands now or formerly of Correia and Hinds to Arcade Avenue and the point of beginning.

Action on the motion: Motion passes with 122 approving and 8 disapproving.

A motion was made to dissolve the meeting at 11:20 PM

Action on the motion: Motion to dissolve the meeting passes with a unanimous vote.

And you are hereby directed to serve this Warrant by posting attested copies as required by law and vote of the Town.

Hereof fail not and make return of the Warrant with your doings thereon to the Town Clerk at or before the time of said Meeting.

GIVEN UNDER OUR HANDS ON THIS 18 th DAY OF Oct 2012.

Approved as to Form

Joyce Frank, Town Counsel

Seekonk Board of Selectmen

Francis Cavaco, Chair

Bob McLintock, Vice Chair

Gary Sagar, Clerk

David Parker, Member

Nelson Almeida, Member

A True Copy Attest: Ronald Charros
constable

Date: 10/23/12